



MINUTES
TOWN OF PARACHUTE
BOARD OF TRUSTEES REGULAR MEETING
NOVEMBER 19, 2015

(A) CALL TO ORDER AND ROLL CALL

Meeting was called to order by: Mayor McClung at 6:30 p.m.

ROLL CALL:

TRUSTEES PRESENT: DANIEL MANZANARES
TIM OLK
TOM RUGAARD
TRAVIS SPROLES
JUANITA WILLIAMS

MAYOR: ROY McCLUNG

TRUSTEES ABSENT: JOHN LOSCHKE

STAFF PRESENT: TOWN MANAGER: STUART MCARTHUR
TOWN CLERK: DENISE CHIARETTA
CHIEF OF POLICE: CARY PARMENTER
TOWN ATTORNEY: JEFFREY CONKLIN

STAFF ABSENT PUBLIC WORKS DIRECTOR: MARK KING

(B) PLEDGE OF ALLEGIANCE

(C) APPROVE AGENDA

MOTION NO. 1: Approve Agenda

Moved and Seconded by Trustees Williams / Manzanares to approve the Agenda

Vocal Vote Approved Unanimously

(D) CONSENT AGENDA:

Mayor McClung requested that Item 3 of the Consent Agenda be moved to regular agenda.

- (1) MINUTES FROM THE SEPTEMBER 17, 2015, REGULAR MEETING**
- (2) EXPENDITURES PAID IN OCTOBER 2015**

MOTION NO. 2: Approve the Consent Agenda Items 1-2

Moved and seconded by Trustees Rugaard / Sproles to approve numbers 1 and 2 on the Consent Agenda

Motion Passed Unanimously

(3) BOARD CONSIDERATION OF A LIQUOR LICENSE RENEWAL APPLICATION FOR A 3.2 BEER OFF-PREMISE LICENSE

APPLICANT: Swallow Oil Company
DBA: Parachute Grub n Scrub
ADDRESS: 28 Cardinal Way
Parachute, CO 81635

Mayor McClung asked Town Clerk Chiaretta if everything was in order; she stated it was. Mayor McClung asked Chief Parmenter if there were any issues; Chief stated there were none.

MOTION NO. 3:

Moved and Seconded by Trustees Williams/ Sproles to approve the Liquor License Renewal Application for a 3.2 Beer Off-Premise License.

Motion Passed Unanimously

(E) COMMENTS FROM CITIZENS REGARDING ITEMS NOT ON THE AGENDA

Jim Reed, 445 Battlement Creek Trail, Battlement Mesa, read an anonymous letter into the record that was dated August 12, 2015. This letter referenced the recent Board Study Session regarding marijuana for Parachute and the so-called secrecy surrounding it.

(F) DEPARTMENTAL REPORTS:

(1) Mayor and Board of Trustees

Mayor McClung acknowledged the young people in attendance at the meeting.

He thanked the AGNC on behalf of the Western Slope and the work they have been doing in applying for a DOLA grant to map the habitat of the Sage Grouse.

Juanita Williams stated there will be a Neighborhood Watch meeting in January.

(2) Town Manager Monthly UpdateStuart McArthur, Town Manager

Town Manager McArthur gave an overview of the financials found in the packet.

Some other items mentioned:

- Town Manager McArthur stated there has been some interest to allow ATV vehicles on Town streets
- Major renovation is being done at the old VJ's Outlaw Ribbs for the new retail marijuana business coming in there
- A grant was received for replacement of the water lines on First Street

- Garfield and Mesa County have applied jointly for a DOLA grant to study the use of broadband in the two counties; Town Manager McArthur has volunteered to be on the Steering Committee
- Grand Valley High School Cheerleaders will be participating in a competition and has requested a donation from the Town. The Board approved a donation

Town Manager McArthur presented the Public Works and Community Development reports.

Mayor McClung inquired about the mineral lease and severance tax dollars not expecting to be more than we have been budgeting.

(3) Police Department Monthly Update.....Chief of Police Cary Parmenter

Chief Parmenter went over his report for the Trustees. Police calls are up 45% from last year; most have been DUI arrests.

The Trustees had no questions for Chief Parmenter.

(G) QUESTION AND ANSWER PERIOD WITH THE STATE OF COLORADO DEPARTMENT OF REVENUE MARIJUANA ENFORCEMENT DIVISION

Mr. Brian Dyet stated he felt it would be better to let the Trustees ask questions as there is a lot of material to cover for a presentation.

Mr. Dyet reported there are two testing facilities for all stores, grow, and manufacturing facilities on the Western Slope located in Durango and Carbondale

Most of the Trustees concerns were regarding security. Mr. Dyet was asked how many infractions there have been on a monthly/yearly basis. He responded the office is in the process of putting those numbers together. He stated they have approximately ten (10) a day that they can actually prove. Other highlights included:

- Training is a mandatory requirement
 - There is a 24-hour surveillance requirement with 40 days of camera activity on-site at any time. His office is always reviewing tapes
 - Law enforcement can go into marijuana facilities and review any time without a search warrant
- Anyone under 21 is not allowed; this is a requirement that must be on a sign posted on the front door.
- Parents are *not* allowed to bring a minor into the facility
 - Depending upon the severity of an infraction, a license is revoked immediately
 - Background checks on all employees, in addition to fingerprinting
 - They cannot operate without a dual license: one from the Town and the other from the State. It is identical to liquor licensing

(H) SUBMISSION TO THE BOARD OF TRUSTEES PETITIONS AND CERTIFICATION OF SUFFICIENCY TO RECALL MAYOR AND BOARD MEMBERS.

Town Manager McArthur reported there have been petitions issued for recall for Mayor McClung, Trustee Loschke, Olk, and Rugaard. He stated all petitions are sufficient and the petitioners have been notified about such.

There was a question from the Board regarding a mail-in vote or an election for the recall. Town Clerk Chiaretta will determine which would be more cost effective.

(I) **PUBLIC HEARING BEFORE THE TOWN OF PARACHUTE BOARD OF TRUSTEES IN CONSIDERATION OF AN APPLICATION FOR RETAIL LICENSE FOR A MARIJUANA RETAIL STORE (TO BE CONTINUED)**

APPLICANT/OWNER: Heavenly Healing LLC

PROJECT NAME: Application for license from the Town of Parachute for a retail marijuana store

PROJECT LOCATION: 254 South Railroad Avenue
Parachute, CO 81635

LEGAL DESCRIPTION: Assessor Parcel No: 240707200013
Section: 7 Township: 7 Range: 95 TR IN LOT 4

Mayor McClung opened the Public Hearing at 7:49 p.m.

Town Manager McArthur stated the applicant is not present and there are no notices of certified mailings to property owners.

Town Manager suggests continuing the Public Hearing until December.

Mayor McClung closed the Public Hearing at 7:55 p.m.

MOTION NO.4

Moved and seconded by Trustees Rugaard / Olk to continue the Public Hearing to a date-certain of December 17, 2015.

Motion Passed Unanimously

(J) **PUBLIC HEARING BEFORE THE TOWN OF PARACHUTE BOARD OF TRUSTEES IN CONSIDERATION OF A DEVELOPMENT REVIEW APPLICATION FROM THE TOWN OF PARACHUTE**

APPLICANT/OWNER: Town of Parachute
222 Grand Valley Way
Parachute, CO 81635

PROJECT NAME: Revisions to its Municipal Code: Title 15 (Town of Parachute Land Use Regulations), regarding public hearings and public notice.

PROJECT LOCATION: N/A

LEGAL DESCRIPTION: N/A

Mayor McClung called the Public Hearing to order at 7:56 p.m.

Mayor McClung asked Town Clerk Chiaretta if the hearing was properly noticed and is there proof of publication; she stated there was.

Town Manager McArthur reported this item came before the Planning and Zoning Commission their last meeting. Of the three items, two passed and were forwarded; he will discuss the third item which did not. It was suggested copies of public notices be posted at three locations instead of being published in a local paper. This was not recommended by the Commission.

PUBLIC COMMENTS:

Judith Hayward, 180 South Second Court, Parachute was sworn in by Mayor McClung. Ms. Hayward expressed her concern about the hearings not being published in the paper. The newspaper is the only resource that archives the public hearings for legal purposes.

Mayor McClung closed the Public Hearing at 8:12 p.m.

Trustee Manzanares stated he was uncomfortable not publishing the public notices in the paper; Trustees Rugaard and Sproles agreed.

Trustee Olk felt with all the things currently going on in the Town, Public Notices should still be published in the Citizen Telegram.

(K) **BOARD CONSIDERATION OF ORDINANCE NO. 689, AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING THE PARACHUTE MUNICIPAL CODE REGARDING TIMELINES FOR LAND USE APPLICATIONS AND PUBLIC NOTICE REQUIREMENTS.**

MOTION NO.5

Moved and Seconded by Trustees Rugaard / Olk to Adopt Ordinance No. 689, *AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING THE PARACHUTE MUNICIPAL CODE REGARDING TIMELINES FOR LAND USE APPLICATIONS AND PUBLIC NOTICE REQUIREMENTS* (with the exception of striking Section 15.01.106.)

Motion Passed Unanimously

(L) **EXECUTIVE SESSION – FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. SECTION 24-6-402(4)(E); SUBJECT: LAWSUITS**

MOTION NO. 6:

Moved and Seconded by Trustees Rugaard /Olk to enter into Executive Session for the Purpose of Determining Positions relative to Matters That May Be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators, Under C.R.S. Section 26-6-402(4)(E);

Motion Passed Unanimously

Enter into Executive Session at 8:20 p.m.

Executive Session closed and regular meeting resumed at 8:44 p.m.

(M) BOARD CONSIDERATION OF GRANT AGREEMENT (\$35,000) WITH THE COLORADO STATE DEPARTMENT OF LOCAL AFFAIRS FOR THE PURPOSE OF UPDATING THE TOWN MUNICIPAL CODE FOR DEVELOPMENT REVIEW.

Town Manager McArthur stated the Town applied for a grant with DOLA with matching funds of \$35,000.

MOTION NO. 7:

Moved and Seconded by Trustees Rugaard / Manzanares to enter into a Grant Agreement with the Colorado State Department of Local Affairs.

Motion Passed Unanimously

(N) BOARD CONSIDERATION OF GRANT AGREEMENT (\$300,000) WITH THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE PURPOSE OF MOVING WATER LINES ON FIRST STREET.

Town Manager McArthur stated the Town applied for a \$300,000 grant with Garfield County Federal Mineral Lease District with matching funds of \$150,000 from the Town's Water Fund. Mr. McArthur commented the water lines need to be replaced as a first step toward upgrading First Street to attract new businesses to Parachute.

MOTION NO. 8:

Moved and Seconded by Trustees Rugaard / Olk to enter into a Grant Agreement with the Garfield County Federal Mineral Lease District in the amount of \$300,000.

Motion Passed Unanimously

(O) BOARD CONSIDERATION OF GRANT AGREEMENT (\$25,000) WITH THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE PURPOSE OF INSTALLING RADAR AND SCHOOL ZONE SIGNS IN THE TOWN.

Town Manager McArthur stated the Town applied for a \$25,000 grant with the Garfield County Federal Mineral Lease District for radar and school zone signs with a \$25,000 match from the Town.

MOTION NO. 9:

Moved and Seconded by Trustees Manzanares / Rugaard to enter into a Grant Agreement with the Garfield County Federal Mineral Lease District in the amount of \$25,000.

Motion Passed Unanimously

(P) OTHER MATTERS

- (1) Thank you note from Grand Valley High School – Painting “claws” on Cardinal Way
- (2) Thank you note from Grand Valley High School – Homecoming Bonfire

(Q) MOTION TO ADJOURN

MOTION NO: 10

Moved and Seconded by Trustees Williams / Olk to adjourn

Vocal vote so moved.

Meeting adjourned at 9:00 p.m.

Signed: _____
Mayor

ATTEST:

Town Clerk

DRAFT

08/12/2015

To Whom It May Concern:

I feel the following should be brought to everybody's attention.

This spring in early May [REDACTED] was talking with select business owners about a marijuana business wanting to set up in Parachute. [REDACTED] wanted select business owners to attend a meeting later that month to discuss bringing in the business. Not all business owners were notified or included. It was to be kept quiet and not for the public's knowledge. He was gathering certain businesses support to push this forward and also excluded certain business owners who he did not want to know. In my opinion this was kept quiet so they could begin their push to bring in a marijuana business without the knowledge of the public. They were able to put things in motion without the public's awareness on this matter.

It has also come to my attention and is being said that if this ruling for bringing in a marijuana business is overturned the initial business will be grandfathered in.

Sincerely,
Concerned